

# **EXHIBIT A**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

<b>ePLUS INC.,</b>	)	
	)	
	)	<b>Civil Action No. 3:09cv620(REP)</b>
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>LAWSON SOFTWARE, INC.,</b>	)	
	)	
	)	
<b>Defendant.</b>	)	

**PLAINTIFF ePLUS INC.'S FIFTH SET OF INTERROGATORIES  
TO DEFENDANT LAWSON SOFTWARE, INC.**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Plaintiff ePlus Inc., (“ePlus”), hereby requests that, within seven (7) days of the date of service of these interrogatories, and in accordance with the following definitions and instructions, Defendant Lawson Software, Inc. (“Lawson”) answer separately, in writing, and under oath, by an officer or duly authorized agent of Lawson, the following interrogatories.

The following interrogatories are continuing, and Lawson must promptly supplement its answers in accordance with Federal Rule 26 as additional or corrected information comes to its attention and that of its attorneys.

**DEFINITIONS & INSTRUCTIONS**

The Definitions and Instructions sections of ePlus’s First Set of Interrogatories to Lawson shall apply to all interrogatories below and are incorporated herein by reference.

1. “Infringing System” means any of the following configurations, including any individual modules or applications contained within any of these configurations:

- a. Lawson's Core S3 Procurement System (Lawson System Foundation ("LSF")/Process Flow, in combination with Inventory Control, Requisition, and Purchase Order Modules) and Requisition Self-Service or "RSS";
- b. Lawson's Core S3 Procurement System (Lawson System Foundation ("LSF")/Process Flow, in combination with Inventory Control, Requisition, and Purchase Order Modules), Requisition Self-Service or "RSS," and Punchout;
- c. Lawson's Core S3 Procurement System (Lawson System Foundation ("LSF")/Process Flow, in combination with Inventory Control, Requisition, and Purchase Order Modules), Requisition Self-Service or "RSS," Punchout, and Electronic Data Interchange or "EDI"; and/or
- d. Lawson's M3 e-Procurement Software.

## **INTERROGATORIES**

### **Interrogatory No. 26:**

Identify each company, from May 2003 until present, that Lawson has solicited, marketed to, or offered to sell or license any of the Infringing Systems.

### **Interrogatory No. 27:**

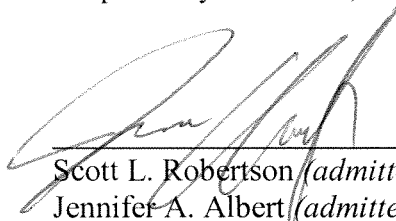
State in detail the factual basis, if any, for Lawson's contention in the September 24, 2010 Amended Final Pretrial Order that "ePlus has never lost a sale to Lawson," specifically with regard to any of the Infringing Systems and ePlus's Content+ and Procure+ Software.

**Interrogatory No. 28:**

State in detail the factual basis, if any, for Lawson's contention in the September 24, 2010 Amended Final Pretrial Order that "[m]ost if not all of Lawson's marketing efforts are directed to potential customers that *ePlus* has not solicited," specifically with regard to any of the Infringing Systems and *ePlus*'s Content+ and Procure+ Software.

Respectfully submitted,

February 2, 2011



Scott L. Robertson (*admitted pro hac vice*)

Jennifer A. Albert (*admitted pro hac vice*)

David M. Young (VSB #35997)

**GOODWIN PROCTER LLP**

901 New York Avenue, N.W.

Washington, DC 20001

Telephone: (202) 346-4000

Facsimile: (202) 346-4444

srobertson@goodwinprocter.com

jalbert@goodwinprocter.com

dyoung@goodwinprocter.com

Craig T. Merritt (VSB #20281)

Henry I. Willett, III (VSB #44655)

**CHRISTIAN & BARTON, LLP**

909 East Main Street, Suite 1200

Richmond, Virginia 23219-3095

Telephone: (804) 697-4100

Facsimile: (804) 697-4112

cmerritt@cblaw.com

hwillett@cblaw.com

Michael G. Strapp (*admitted pro hac vice*)

James D. Clements (*admitted pro hac vice*)

**GOODWIN PROCTER LLP**

Exchange Place

53 State Street

Boston, MA 02109-2881

Telephone: (617) 570-1000

Facsimile: (617) 523-1231

mstrapp@goodwinprocter.com

jclements@goodwinprocter.com

Attorneys for Plaintiff, ePlus Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that on the 2nd day of February, 2011, I will serve Plaintiff ePlus Inc.'s Fifth Set of Interrogatories to Defendant Lawson Software, Inc., on the following counsel of record as indicated:

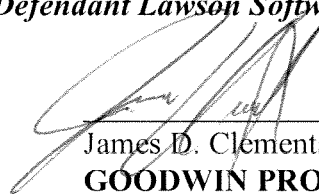
*via electronic mail:*

Daniel McDonald, *pro hac vice*  
William D. Schultz, *pro hac vice*  
Rachel C. Hughey, *pro hac vice*  
Andrew Lagatta, *pro hac vice*  
MERCHANT & GOULD  
3200 IDS Center  
80 South Eighth Street  
Minneapolis, MN 55402  
Telephone: (612) 332-5300  
Facsimile: (612) 332-9081  
lawsonservice@merchantgould.com

***Counsel for Defendant Lawson Software, Inc.***

Robert A. Angle, VSB#37691  
Dabney J. Carr, IV, VSB #28679  
TROUTMAN SANDERS LLP  
P.O. Box 1122  
Richmond, Virginia 23218-1122  
(804) 697-1238  
(804) 698-5119 (Fax)  
robert.angle@troutmansanders.com  
dabney.carr@troutmansanders.com

***Counsel for Defendant Lawson Software, Inc.***



James D. Clements (*admitted pro hac vice*)  
**GOODWIN PROCTER LLP**  
Exchange Place  
53 State Street  
Boston, MA 02109-2881  
Telephone: (617) 570-1000  
Facsimile: (617) 523-1231  
jclements@goodwinprocter.com